

AMENDED IN SENATE AUGUST 18, 2014
AMENDED IN SENATE FEBRUARY 11, 2014
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 146

Introduced by Assembly Member Olsen
(Principal coauthor: Senator Fuller)

January 18, 2013

An act to amend Section 14631 of the Government Code, relating to the State Capitol, and declaring the urgency thereof, to take effect immediately; repeal Section 42127.01 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 146, as amended, Olsen. ~~State Capitol: location of California American Portuguese Veterans Memorial.~~ School finance: annual budgets: reserve balance.

Existing law, in a fiscal year immediately after a fiscal year in which a transfer is made into the Public School System Stabilization Account, which would be created by an Assembly Constitutional Amendment, prohibits a school district's adopted or revised budget from containing a combined assigned or unassigned ending fund balance that is in excess of either 2 or 3 times the minimum recommended reserve for economic uncertainties adopted by the State Board of Education, depending on the school district's units of average daily attendance. Existing law authorizes the county superintendent of schools to waive this prohibition, pursuant to specified conditions, for up to 2 consecutive fiscal years

within a 3-year period if the school district provides documentation indicating that extraordinary fiscal circumstances substantiate the need for the balance. Existing law provides that the operation of these provisions is contingent on voter approval of the Assembly Constitutional Amendment that creates the Public School System Stabilization Account at the November 4, 2014, statewide general election.

This bill would repeal the provisions prohibiting excess reserve balances in school district budgets.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law prescribes various duties for the Department of General Services in connection with the development and maintenance of the park around the State Capitol Building. Existing law authorizes the American Portuguese Club Incorporated, in consultation with the department and a specifically created committee, to construct and maintain a memorial in the existing All Veterans Memorial to honor California American Portuguese veterans, as specified.~~

~~This bill would modify provisions relating to the site of the memorial, requiring it to be located within the Veterans Memorial Grove, a specified area adjacent to the All Veterans Memorial.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42127.01 of the Education Code is
- 2 repealed.
- 3 42127.01. (a) In a fiscal year immediately after a fiscal year
- 4 in which a transfer is made into the Public School System
- 5 Stabilization Account, a school district budget that is adopted or
- 6 revised pursuant to Section 42127 shall not contain a combined
- 7 assigned or unassigned ending fund balance that is in excess of
- 8 the following:
- 9 (1) ~~For school districts with fewer than 400,000 units of average~~
- 10 ~~daily attendance, the sum of the school district's applicable~~
- 11 ~~minimum recommended reserve for economic uncertainties adopted~~

1 by the state board pursuant to subdivision (a) of Section 33128,
2 multiplied by two.

3 (2) For school districts with more than 400,000 units of average
4 daily attendance, the sum of the school district's applicable
5 minimum recommended reserve for economic uncertainties adopted
6 by the state board pursuant to subdivision (a) of Section 33128,
7 multiplied by three.

8 (b) A county superintendent of schools may grant a school
9 district under its jurisdiction an exemption from the requirements
10 of subdivision (a) for up to two consecutive fiscal years within a
11 three-year period if the school district provides documentation
12 indicating that extraordinary fiscal circumstances, including, but
13 not limited to, multiyear infrastructure or technology projects,
14 substantiate the need for a combined assigned or unassigned ending
15 fund balance that is in excess of the minimum recommended
16 reserve for economic uncertainties. As a condition of receiving an
17 exception, a school district shall do all of the following:

18 (1) Provide a statement that substantiates the need for an
19 assigned and unassigned ending fund balance that is in excess of
20 the minimum recommended reserve for economic uncertainties.

21 (2) Identify the funding amounts in the budget adopted by the
22 school district that are associated with the extraordinary fiscal
23 circumstances.

24 (3) Provide documentation that no other fiscal resources are
25 available to fund the extraordinary fiscal circumstances.

26 (c) This section shall become operative on December 15, 2014,
27 only if Assembly Constitutional Amendment No. 1 of the 2013-14
28 Second Extraordinary Session is approved by the voters at the
29 November 4, 2014, statewide general election. If Assembly
30 Constitutional Amendment No. 1 of the 2013-14 Second
31 Extraordinary Session is not approved by the voters at the
32 November 4, 2014, statewide general election, this section shall
33 not become operative and is repealed on January 1, 2015.

34 *SEC. 2. This act is an urgency statute necessary for the*
35 *immediate preservation of the public peace, health, or safety within*
36 *the meaning of Article IV of the Constitution and shall go into*
37 *immediate effect. The facts constituting the necessity are:*

38 *In order to ensure that Section 42127.01 of the Education Code*
39 *is repealed before the November 4, 2014, statewide general*
40 *election, it is necessary for this act to take immediate effect.*

1 SECTION 1. ~~Section 14631 of the Government Code is amended~~
2 ~~to read:~~

3 ~~14631. (a) (1) The American Portuguese Club Incorporated,~~
4 ~~or any successor entity, in consultation with the department, may~~
5 ~~plan and construct a memorial to honor California American~~
6 ~~Portuguese veterans, as provided in this section.~~

7 ~~(2) The memorial shall be located within the Veterans Memorial~~
8 ~~Grove, as identified in Section 16 of Sheet 5, Capitol Park~~
9 ~~Topographic Survey by Morrow Surveying Land Surveyors, dated~~
10 ~~November 11, 2011, adjacent to the All Veterans Memorial. For~~
11 ~~purposes of this section, "All Veterans Memorial" means that area~~
12 ~~in Section 16 from the foot of the berm retaining wall due north~~
13 ~~to the asphaltic concrete pathways. "Veterans Memorial Grove"~~
14 ~~means that undeveloped area in Section 16 from the foot of the~~
15 ~~berm retaining wall due south to the N Street sidewalk.~~

16 ~~(b) The California American Portuguese Veterans Memorial~~
17 ~~Committee is hereby established and shall include as members all~~
18 ~~of the following:~~

19 ~~(1) The director, or his or her designee.~~

20 ~~(2) The State Historic Preservation Officer, or his or her~~
21 ~~designee.~~

22 ~~(3) A Member of the Assembly appointed by the Speaker of the~~
23 ~~Assembly.~~

24 ~~(4) A Member of the Senate appointed by the Senate Committee~~
25 ~~on Rules.~~

26 ~~(c) The department, in consultation with the American~~
27 ~~Portuguese Club Incorporated, shall do all of the following:~~

28 ~~(1) Review the preliminary design plans to identify potential~~
29 ~~maintenance concerns.~~

30 ~~(2) Ensure compliance with the federal Americans with~~
31 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and with~~
32 ~~any other safety concerns.~~

33 ~~(3) Review and approve California Environmental Quality Act~~
34 ~~(Division 13 (commencing with Section 21000) of the Public~~
35 ~~Resources Code) documents prepared for work at the designated~~
36 ~~historic property.~~

37 ~~(4) Review final construction documents to ensure that all~~
38 ~~requirements are met.~~

39 ~~(5) Prepare the right-of-entry permit outlining the final area of~~
40 ~~work, final construction documents, construction plans, the~~

1 contractor hired to perform the work, insurance, bonding,
2 provisions for damage to state property, and inspection
3 requirements.

4 (6) Prepare a maintenance agreement outlining the American
5 Portuguese Club Incorporated's responsibility for the long-term
6 maintenance of the memorial due to aging, vandalism, or
7 relocation.

8 (7) Inspect the construction performed by the contractor selected
9 by the California American Portuguese Veterans Memorial
10 Committee.

11 (d) If the American Portuguese Club Incorporated undertakes
12 responsibility to construct a memorial under this section, it shall,
13 in consultation with the department, establish a schedule for the
14 design, construction, and dedication of the memorial, and establish
15 a program for the dedication of the memorial.

16 (e) The department, the Department of Veterans Affairs, and
17 the California American Portuguese Veterans Memorial Committee
18 shall approve the design of the memorial.

19 (f) If the American Portuguese Club Incorporated undertakes
20 responsibility to construct a memorial under this section, it shall
21 not begin construction of the memorial until the Joint Committee
22 on Rules and the Department of Finance have determined that
23 sufficient private funding is available to construct and maintain
24 the memorial.

25 (g) The planning, construction, and maintenance of the memorial
26 shall be funded exclusively through private donations to the
27 American Portuguese Club Incorporated.

28 (h) If the American Portuguese Club Incorporated undertakes
29 responsibility to construct a memorial under this section, it shall
30 sign a maintenance agreement with the state, as created under
31 paragraph (6) of subdivision (d), to maintain the memorial with
32 private contributions.

33 (i) As adopted by the Joint Committee on Rules, this memorial
34 shall be constructed within the boundaries of the Veterans
35 Memorial Grove, as described in paragraph (2) of subdivision (a).

36 SEC. 2. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

1 ~~In order to facilitate completion of the California American~~
2 ~~Portuguese Veterans Memorial at the earliest possible time prior~~
3 ~~to the celebration of Portuguese Heritage Month in June 2014, it~~
4 ~~is necessary for this act to take immediate effect.~~

O